

## **ISPA's full statement to MyBroadband is reproduced below:**

**8 February 2021**

*We wish to emphasise that ISPA is not a regulator. We do not regulate Internet content in any way. We act only as the agent for the administration of take-down notices, for the members of ISPA who have duly appointed us as such. ISPA itself does not remove any websites nor make decisions in this regard. Our role is to administer the process according to applicable law and pass on valid take-down notices to our members. Each hosting service provider must then make their own decision as to whether to remove a targeted site.*

*As a general rule, ISPA does not comment on specific take-down notices. These frequently involve unlawful content or activities, and it is always prudent to refrain from commenting on matters that may be subject to ongoing or future legal processes. We assure you that this position is not because ISPA does not wish to be transparent about the role it plays in administering the take-down notice process.*

*Since the target of this take-down notice has chosen to make public some of the correspondence with the ISPA member involved, we believe it is appropriate for us to confirm the following:*

- The take-down notice received by ISPA did not relate in any way to the public participation petitions hosted on the site. It was not an effort to censor any of the content on the site. Based on the information available to ISPA, the take-down notice appears to be the result of a dispute between the people involved in the organisation operating the website. The intention of the take-down does not appear to be to silence the members of the public who have participated on the site.*
- The person lodging the take-down notice provided specific allegations of unlawful activity relating to the operation of the website as well as the other information required by*

*section 77 of the Electronic Communications and Transactions Act.*

- *Given the nature of the website and the allegations made, the website host (Xneelo) specifically requested that the ISPA confirm with the person who lodged the take-down notice that they were aware that the ECT Act makes them liable for a wrongful take-down notice, and that they wished to continue with the take-down process. ISPA did this, and received confirmation that the take-down lodger wished to proceed, as well as additional information motivating the take-down and supporting the claims of unlawful activity.*

*ISPA has, for the duration of its existence, lobbied strongly for the rights of Internet users to freedom of speech and freedom of expression. We do acknowledge that as a result of someone exercising the provisions of the ECTA to lodge a take-down notice, a site of value to the public has been removed from the Internet, but we are confident that we have followed legislated processes in administering this take-down notice.*